

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROMAN SEBASTIAN MONZON,

Plaintiff,

v.

Civil Action No. **3:23CV771**

THOMAS WHITEHURST, et al.,


Defendants.

MEMORANDUM OPINION

Defendants filed an answer on June 11, 2024. (ECF No. 12.) On July 17, 2024, Plaintiff filed a Motion to Dismiss the action. (ECF No. 14.) Because Defendants filed an answer, the motion is governed by Fed. R. Civ. P. 41(a)(2). Generally, a plaintiff's motion for dismissal without prejudice should not be denied absent substantial prejudice to Defendants. *See Andes v. Versant Corp.*, 788 F.2d 1033, 1036 (4th Cir. 1986). Defendants have not opposed Plaintiff's Motion to Dismiss, and the Court finds that Defendants will not be substantially prejudiced. Accordingly, Plaintiff's Motion to Dismiss his action, (ECF No. 14), will be GRANTED. The action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: *19 August 2024*
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
Senior United States District Judge